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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,254	09/17/2001	Gene E. Lightner		1186
7590 11/05/2003			EXAMINER	
Gene E. Lightner 706 S.W. 296th St.			HAILEY, PATRICIA L	
Federal Way, WA 98023			ART UNIT	PAPER NUMBER
			1755	
			DATE MAILED: 11/05/2003	<b>.</b>

Please find below and/or attached an Office communication concerning this application or proceeding.

09955,254   LICHTNER, GENE E.	Advisory Action		Application No.	Applicant(s)					
Examiner   Patricia L. Hailely   1755    -The MAILING DATE of this communication appears on the cover sheet with the correspondenc address				LIGHTNER, GENE E.					
THE REPLY FILED 27 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE Therefore, further action by the applicant is required to avoid abandonment of this application. A proper taply to a final rejection under 37 CFR 1.113 may only be either; (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or bl]  a) ■ The period for reply expires 3. months from the mailing date of the final rejection.  b) ■ The period for reply expires 3. months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period of reply expires on: (2) the date set forth in the final rejection. The period of reply expires on: (2) as a set to the mailing date of the final rejection. The period of reply expires on the final rejection. The period of reply expires on: (2) as a set to the final rejection. The period of reply expires on the final rejection. The period of reply expires on the final rejection on the period of reply expires on the final rejection. The period of reply expires on the final rejection on the final rejection of the final rejection. The period of reply expires on the final rejection on the period of extension and the corresponding amount of the final rejection. The period of the final rejection on the final rejection on the final rejection on the final rejection on the final reje		-		Art Unit					
HHE REPLY FILED 27 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.19c and ye either; (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal feet); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)]  a)				i i					
Index to be controlled by the paper and its required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.13 may only be either. (1) at timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires 2 months from the mailing date of the final rejection.  The period for reply expires 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In ONLY CHECK. This BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REPCTION. See MPEP 706.07(1).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.36(a) and the appropriate cotension fee under 37 CFR 1.136(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final direction of 2) as set forth in (p) above, it dreeded. Any repty received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.79(b).  The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  The affidavit, b) shift, or c) request for reconsideration has been considered but does NOT place the application in		The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondenc address					
a) The period for reply expires 2_months from the mailing date of the final rejection. b) The period for reply expires or: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In one year, the period for reply expires again that SIX MONTHS form the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(g) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final Office action; or feel under 37 CFR 1.13(g) calculated from: (1) the expiration date of the shorted subtry period for reply originally set in the final Office action; or gray reduce any aemade patent term adjustment. See 37 CFR 1.791(a).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be alllowable if submitted in a separate, timely filed amendment cancel	fi	final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued							
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10. Other:	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).								
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Continuation of 2. NOTE: The proposed amendment to claim 1, namely the inclusion of the phrases "mututally insoluble phases" and "solid sugar phase", raise issues of new matter and would require further consideration and/or search, because these phrases did not appear in the Specification or in the claims as they were both originally filed. Additionally, based on what is underlined in the proposed amendment filed on October 27, 2003, Applicant appears to be under the impression that the amendment filed on September 15, 2003, was entered. Such is not the case. The currently pending claims are those present as of Applicant's Amendment filed on May 12, 2003. Any amendments filed by Applicant after the Final Rejection dated August 6, 2003, have not been entered. Because none of these subsequent amendments have been entered, the phrases "mutually insoluble phases" and "solid sugar phase" are not present in either the Specification or the claims.

ELIZABETH D. WOOD